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U. S. DEPT. OF THE INTERIOR CONTROL OF SUPERIOR CONTROL OF SUPERIO OFFICE OF SURFACE MINING

Mine Site Evaluation State Program



Witch 3, 16	State 110	/S1 44111		
1. Permittee/Person		9. Permit Number		10. Permit Type
CONSOLIDATION COAL CO.		UT-015-015		PP
2. Address		11. Field Visit Date	e 12. Purpose	13. SRA Present
P.O. BOX 566		10/27/2009	О	\mathbf{Y}
3. City	4. State	mm - dd - yyyy 14. Permit Status	15. Site Status	16. Facility Type
Sesser			AP	BEFG
5. Zip Code	6. Phone Number	17. OSM Office #	18. CCID#	19. Land Code
62884	(618) 625-6850	140	10. CCID %	SF
7. Operator Name, if Different than	Permittee	20. M.S.H.A ID#	21. State Abrev.	22. County Name
		42-00079	UT	EMERY
8. Mine Name		23. AVS Permittee	l ————————————————————————————————————	24. State Office
EMERY DEEP MINE		107373	Thirty 15 Number	
		10/3/3]	
25. Hours	26. Signature Block		27. Reviewing Off	
4.0 a. Permit Review	Christin Beller -		Jomes Tu	li
4.2 b. Site Visit Time	Signature:		Signatur	re:
	Christine Belka ID	# 182	Review Date: 11/	13/1004
c. Travel Time	Printed Name:			dd - yyyy
4.0 d. Report Writing	Date: 11/13/2009		Is Supplemental MSE	Page Used Y/N Y
Permit Type — Item 10 IP = Interim Pro	ogram, PP = Permanent Program , N	NP = No Permit		
Purpose Type Codes Item 12	29.2,		CRCitizen Complaint R	eferral (non site visit)
OxxOversight Axx Assistance	RFx Reclamation Fee Fxx Federal Actions	s (CC Citizen Complaint (ir CCF Citizen Complaint Fo	nitial site visit) ollow-up
Joint Inspection — Item 13 A joint inspe	ection is when a state inspector accon			
Permit Status — Item 14	ABAbando operato	oned: All surface and un or has left the site withou	iderground coal mining acti ut completing reclamation a	vities have ceased and as defined in
A Active: Coal mining and reclamation act permitted but not yet disturbed.	tivities occurring or 30 CER	R 840 11(a)		
INInactive (Permanent Program Permit): F Temporary Cessation of Operations. (In	nterim Prindram Permiti. AR7 Partiali	iv Recialmed Folletifile.	re officially in process or co yet commenced. Forfeited site where all bo	mus nave been
Coal mining completed and reclamation BRBond Release: Reclamation completed	n activities initiated. used to and State Regulatory AB3Reclair	o reclaim site, but site no med Forfeiture: Forfeite	ot reclaimed to Program sta d site that has been reclain	andards.
Authority (RA) has released all of the bo Site Status Codes — Item 15	ond (Phase III Release.) NANot Ap	plicable: When site is ur	npermittea.	
NDNo Disturbance: No coal mining and re			FP Forfeiture Pending	
operations have been started. EXCoal Exploration: Coal exploration oper	rations TC Temporary Cessation:	aiting phase bond releas : The RA has granted	performance bond	the permit, collect the i(s), and/or reclama-
have started and where coal mining op have not begun.	817.131(b).	ursuant to 30 CFR 816/	tion of forfeited sit FR. Forfeited and Rec	laimed: Forfeiture
AP. Active Coal Producing: Coal surface m activities are occurring.	granted for entire perr	mitted area. For interim	FO. Abandoned Site: A	Abandoned site that
AN Active Non-Producing: Active non-prod facility such as tipple or preparation pla	ant. P2 Phase II Release: At	release. . least Phase II bond rele	is permitted but the easeWC Wildcat: Coal min	ing and reclamation
NMNo Mining: The Permit Status is active not in Temporary Cessation, no surface	e, site is for the entire permitter	d area.	operations have on the activity is not o	or are taking place and covered by the
mining activity, and site not regraded.	the RA has released a	all bond.	required permits ti	rom the RA. Remining site permitted
A Surface E Refu	llary (Haulroad, Conveyor, and/or Rail ise and/or Impoundment	I Notice of Intent t	to Explore	unRECEIVED
B Underground F Load C Preparation Plant GStock	ling Facility and/or Tipple kpiles	J Exempt 16 and 2 KGovernment Fin	2/3 anced Construction Exemp	otion
Small Business	Regulatory Enforceme	ent Fairness A	et (SBREFA)	NOV 1 9 2009

Your Comments Are Important The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive confinence and Market Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive confinence and the second of small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) Page 1 of and wish to comment on the enforcement or compliance activities of OSM. call 1-888-REG-FAIR (1-888-734-3247).

Revised December 4, 1998

U. S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING

Mine Site Evaluation

State Program

Permittee/ Person

CONSOLIDATION COAL

Permit Number

UT-015-015

Field Visit Date

10/27/2009

Continuation Page

Z8. Performance Standard Categories	rol Plan intenance itions
1. 1 Mining within Valid Permit 2. 1 Mining within Bonded Area 3. 1 Terms & Conditions of Permit 4. 1 Liability Insurance 5. 1 Ownership and Control 6. Temporary Cessation 7. AML Rec. Fees Non-Respondent 8. AML Rec. Fees Failure to Pay B. Hydrologic Balance 1. 1 Drainage Control 2. 1 Inspections & Certifications 3. 1 Siltation Structures 4. 1 Discharge Structures 4. 1 Discharge Structures 5. 5 Diversions 6. 1 Effluent Limits 7. 1 Ground Water Monitoring 8. 1 Surface Water Monitoring 9. 1 Drainage Acid-Toxic Materials 10. 1 Impoundments 11. 1 Roads 12. Contemporaneous Reclamation 3. Approximate Original Contour 3. Drainage 4. Surfacing and Materials 5. Reclamation 3. Drainage 4. Surfacing and Materials 5. Reclamation 3. Drainage Control 4. Inspections & Certifications 4. Inspections & Certifications 5. Diversions 6. I effluent Limits 7. I Ground Water Monitoring 9. 1 Drainage Acid-Toxic Materials 10. 1 Impoundments 11. Stream Buffer Zones 12. Impounding Structures 13. I Surface Stabilization 14. Inspections and Certifications 15. Impounding Structures 16. Levegetation 17. Vegetative Cover 18. Other 19. Drainage Acid-Toxic Materials 10. 1 Impoundments 11. Impoundments 12. Timpounding Structures 13. Inspections Performance 14. Impounding Structures 15. Impounding Structures 16. Levegetation 17. Drainage Acid-Toxic Materials 18. Impounding Structures 19. Drainage Acid-Toxic Materials 19. Impounding Structures 20. Distance Prohibitions 21. Substitute Materials 22. Distance Prohibitions 23. Inspections & Certification 24. Warnings & Records 25. Control of Adverse Effects 26. Excess Spoil Disposal. 27. Substitute Materials 28. Octave Prohibitions 29. Drainage Control 29. Drainage Control 20. Drainage Control 20. Drainage Control 20. Drainage Control 21. Valid Permit. 22. Drainage Control 23. Drainage Control 24. Narricage Control 25. Reclamation 26. Handling of Acid & Toxic Materials 27. Stabilization 29. Drainage Control 20. Drainage Control 20. Drainage Control 21. Placement 22. Drainage Control	n intenance i tions
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B. Hydrologic Balance(816/817.41-57) G. Use of Explosives(8	16/817.61-68
1. Drainage Control	
2. Inspections & Certifications	61(d
3. Sittation Structures	62-6
4. Discharge Structures	66 & 6
5. Diversions.	6
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8. Surface Water Monitoring	
10 Impoundments 40 Road Construction	150(c)
11 Chan D. Con Zanas 57 2. Certification	151(a
3 Drainage	150(b)-151(d
C. Topsoil & Subsoil(816/817.22) 4. Surfacing and Maintenance	0)151-(0)061 1507
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2. Substitute Materials 22(c) J. Signs & Markers	(816/817.1
3. Storage and Protection 22(c) 4. Redistribution 22(d) 1. Signs	11(a) (b) &(a
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A. Distance I fundations	
1. Exposed Openings	(761.13
2. Contemporate Original Contour 1002	(761.11 5/817.111-110
3. Approximate Original Contour	(761.13 5/817.111-110 111 & 11
	(761.13 5/817.111-110 111 & 11
4. Highwall Elimination	(761.13 5/ 817.111-11 111 & 11
	(761.1 5/817.111-116 11 & 11 1111 .(816/817.13

Emery Deep Complete Joint Inspection

Utah Permit ID #C-015-0015 October 27, 2009 8:45 - 1:00

Weather conditions: windy, cool (low 40's), cloudy

Participants:
Karl Housekeeper (DOGM)
Jaren Jorgensen (Consol)
Christine Belka (OSM Badge ID #182)

This was a complete inspection of the Emery Deep mine.

Records review: NPDES permit #UT0022616 monitoring reports from 09-01-09 show most discharge locations had no discharge. Samples taken from discharging outlets show compliance with all parameters except Total Dissolved Solids (TDS). The monthly average of 3,796 mg/L is above the 3,500 mg/L limit (individual readings also above this average). The Division of Water Quality has been notified of the exceedance.

Coal refuse pile and waste impoundment quarterly inspections were performed on 8/19/09 and certified on 8/21/09 by J. Quinn Healy, P.E. They were found to be stable and intact with no visible hazards. Quarterly sedimentation pond inspections were conducted on 8/29/09 by Jaren Jorgensen. The annual pond certification conducted by Richard White, P.E. on December 12, 2008 found soil piping on the Pond 8 embankment. The vegetation was to be removed and the area backfilled, compacted, and rip-rapped. The 4/21/09 sediment pond report showed that most ponds are near the 60% containment elevation. Jaren was made aware that if the ponds have not already been cleaned, they will need to be cleaned out soon.

The subsidence monitoring report from August 2009 indicates that subsidence cracks are filling in with sediment.

Chubb Group of Insurance Companies assures Bond ID #8093-71-80 for Consol payable to UT DOGM and USDOI OSMRE. The bond amount was reduced from \$3,454,443 to \$2,208,000 on 7/23/04 because the prep plant and slurry pond had been removed, more precise calculations had been made, and the revision was instigated by a permit transfer that did not occur.

Acord Insurance policy BOG 9377215-05 includes all required coverage. The policy term is 1/05/09 through 11/05/09. Jaren was notified that the policy will expire next week.

DOGM permit #C-015-0015 was renewed on 1/6/06 (expires 1/8/11). The bond amount required in the permit renewal was the former amount of \$3,454,443. A bond revision was approved which reduced the bond amount to \$2,208,000. This appears to be a DOGM error (listing the old bond amount on the permit renewal document).

Field evaluation: Drainage from the old facilities area near the office reports to sediment ponds 3 and 8. Both ponds were dry at the time of inspection. Pond 3 has an old piece of pipe on the embankment which Jaren was notified should be properly removed and disposed of (see Figure 1).

The coal refuse pile was inspected. Coal waste from the pile is processed by Covol, with waste rock returned to the pile in 1 ft compacted lifts. The refuse pile area also reports to Pond 8. The approved upper coal refuse area

has not received any refuse, and instead serves as the mine site's safety hazard training area.

Pond 5 was containing water at the time of inspection. An inlet culvert is cracked and should be repaired / replaced (see Figure 2). Jaren was notified.

The diversion surrounding the coal pile / conveyor area was filled with sediment. The culvert routing discharge under the road was almost completely clogged with sediment (see Figure 3). Karl informed Jaren that this was a potential NOV situation that needed to be addressed immediately. Jaren informed key mine staff of the situation and the diversion was being cleaned out before we left the site at the end of the inspection.

The large silt fence constructed around the coal stockpile / conveyor area is showing definite signs of wear and tear. This fence will need maintenance in the near future; however, no signs of coal fines or sediment leaving the area were noted at this time.

Waste rock pile from the box cut serves as a platform for an orderly materials storage area. Topsoil in the surrounding area is marked and protected by silt fence.

Mine water is pumped from underground to Ponds 1 and 6. Both ponds were filled with water and discharging at the time of inspection. Both appear stable and are functioning as designed.

Photographs taken:

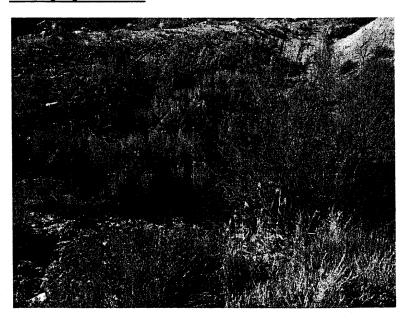


Figure 1: Pond 3 with pipe needing to be removed

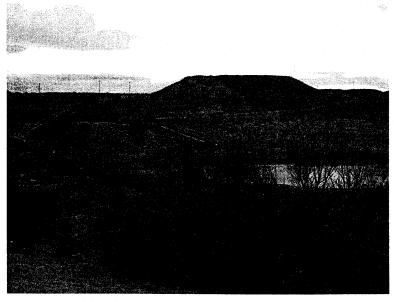


Figure 2: Pond 5 with inlet culvert needing repair

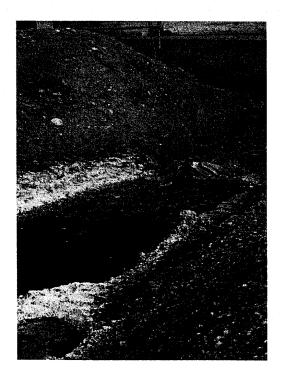


Figure 3: Clogged diversion / culvert